

Patrick J. Reilly
Nevada Bar No. 6103
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135
preilly@bhfs.com

Adam Alper (admitted *pro hac vice*)
Akshay Deoras (admitted *pro hac vice*)
Barbara Barath (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: 415.439.1400
Facsimile: 415.439.1500
adam.alper@kirkland.com
akshay.deoras@kirkland.com
barbara.barath@kirkland.com

Michael De Vries (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
555 South Flower Street, Suite 3700
Los Angeles, California 90071
Telephone: 213.680.8400
Facsimile: 213.680.8500
michael.devries@kirkland.com

Ryan Kane (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: 212.446.4800
Facsimile: 212.446.4900
ryan.kane@kirkland.com

Attorneys for East-West Transport Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FLEET CONNECT SOLUTIONS LLC,

Plaintiff,

V.

EAST-WEST TRANSPORT INC.,

Defendant.

Case No. 2:20-cv-02306-GMN-NJK

**MOTION TO EXTEND DEADLINE TO
FILE CERTIFICATION OF
DISCLOSURES—LPR 1-5(b)**

Defendant East-West Transport, Inc. (“East-West”) hereby moves to extend the deadline to file its notice certifying compliance with LPR 1-6 through 1-11. This Motion is made pursuant to LPR 1-5(b) and is based on the attached Memorandum of Points and Authorities and supporting documentation, the papers and pleadings on file in this action, and any oral argument this Court may allow.

This is East-West's first request for this extension of time. Plaintiff has advised it will not oppose this Motion.

8 DATED this 8th day of July, 2021.

/s/ Patrick J. Reilly

Patrick J. Reilly
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

Adam Alper (admitted *pro hac vice*)
Akshay Deoras (admitted *pro hac vice*)
Barbara Barath (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: 415.439.1400
Facsimile: 415.439.1500
adam.alper@kirkland.com
akshay.deoras@kirkland.com
barbara.barath@kirkland.com

Michael De Vries (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
555 South Flower Street, Suite 3700
Los Angeles, California 90071
Telephone: 213.680.8400
Facsimile: 213.680.8500
michael.devries@kirkland.com

Ryan Kane (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: 212.446.4800
Facsimile: 212.446.4900
ryan.kane@kirkland.com

Attorneys for East-West Transport Inc.

1

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO EXTEND DEADLINE TO FILE CERTIFICATION
OF DISCLOSURES—LPR 1-5(b)**

2

3 Local Patent Rule 1-5(b) requires the parties to file with the Court a notice “certifying that
4 all disclosures required under LPR 1-6 through 1-11 have been timely provided.” The rule further
5 provides the notice must be filed within seven (7) days “after the deadline for service of the
6 disclosures required under LPR 1-10.” *Id.* While East-West timely served its required disclosures,
7 it failed to file the required notice of certification within seven (7) days after the deadline for service
8 of the required disclosures. East-West now seeks to extend that deadline, as required by LPR 1-
9 5(b) (“Any variation from these deadlines requires court approval.”).

10 As mentioned previously, East-West timely provided its disclosures as required by LPR 1-
11 6 through 1-11. Specifically, on June 3, 2021, East-West served its Disclosure of Non-
12 Infringement, Invalidity, and Unenforceability Contentions (LPR 1-8) and Document Production
13 Accompanying Invalidity Contentions (LPR 1-9). No other disclosures were required of East-West
14 within the scope of those local patent rules. Plaintiff’s responses were due on June 17, 2021, per
15 LPR 1-10, making East-West’s LPR 1-5(b) notice due on June 24, 2021. East-West inadvertently
16 failed to file the LPR 1-5(b) notice of compliance with this Court.

17 As a substantive matter, East-West has complied with the overriding requirement—making
18 its disclosures to Plaintiff in a timely manner. As a result, there is no prejudice to Plaintiff. In
19 addition, the deadline only recently passed, and therefore the short delay has caused no prejudice
20 to the Court or its docket.

21 Counsel does apologize for the lateness of the certification and the need for this Motion.
22 The omission, however, was inadvertent and East-West therefore asks this Court to set a firm
23 deadline for East-West to file a notice certifying its compliance with local rules, per LPR 1-5(b).

24 Plaintiff has advised it will not oppose this Motion.

25 ///

26 ///

27 ///

28 ///

1 East-West and their counsel thank the Court for its time and attention to this matter.
2

3
4 DATED this 8th day of July, 2021.

5
6
7 /s/ Patrick J. Reilly
8

9 Patrick J. Reilly
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP
11 100 North City Parkway, Suite 1600
12 Las Vegas, NV 89106-4614

13 Adam Alper admitted (*pro hac vice*)
14 Akshay Deoras (admitted *pro hac vice*)
15 Barbara Barath (admitted *pro hac vice*)
16 KIRKLAND & ELLIS LLP
17 555 California Street
18 San Francisco, California 94104
19 Telephone: 415.439.1400
20 Facsimile: 415.439.1500
adam.alper@kirkland.com
akshay.deoras@kirkland.com
barbara.barath@kirkland.com

21 Michael De Vries admitted (*pro hac vice*)
22 KIRKLAND & ELLIS LLP
23 555 South Flower Street, Suite 3700
24 Los Angeles, California 90071
25 Telephone: 213.680.8400
26 Facsimile: 213.680.8500
michael.devries@kirkland.com

27 Ryan Kane (admitted *pro hac vice*)
28 KIRKLAND & ELLIS LLP
100 Lexington Avenue
New York, New York 10022
Telephone: 212.446.4800
Facsimile: 212.446.4900
ryan.kane@kirkland.com

21
22 Attorneys for East-West Transport Inc.
23

24 IT IS SO ORDERED.
25

26 Dated: July 9, 2021
27
28

24
25 
26 Nancy J. Koppe
United States Magistrate Judge